IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER ST.NO.20803 OF 2005
WITH
CIVIL APPLICATION ST.NO.20806 OF 2005

Shri Ramnarayan Singh. ..Appellant.

V/s.

Brihanmumbai Municipal Corpn. ..Respondent.

Mr.G.C.Singh for appellant.

Mrs. Geeta Joglekar, for respondent-BMC.

CORAM: A.M.KHANWILKAR,J

DATE : MAY 2, 2006.

P.C. :

1. Not on board. By consent, Appeal is taken on board. Heard immediately after the order is passed on Civil Application No.235 of 2006.

2. This appeal takes exception to the Judgment and order passed by City civil Court on 3rd June, 2005, dismissing the Notice of Motion preferred by the appellant for interim relief during the pendency of the suit. Counsel for the appellant submits that the appellant will not press this appeal provided, the trial Court is directed to expeditiously dispose of the pending suit on its own merits in accordance with the law. The request of the appellant is

reasonable, for the simple reason that the suit structure has already been demolished. In the circumstances, while this appeal is disposed of as not pressed, the Trial Court is directed to expeditiously dispose of L.C.Suit No.2526 OF 2004 preferably by end of December, 2006.

3. This direction is issued on the assurance given by the parties through counsel they will extend necessary cooperation to the trial Court for early disposal of the suit.

4. All questions are left open to be decided in suit on its own merits in accordance with the law.

5. Civil application disposed of accordingly.